



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

March 8, 2013

Ms. Roylene Rides-at-the-Door
State Conservationist
Natural Resource Conservation Service
316 West Boone Avenue, Suite 450
Spokane, Washington 99204-2348

Dear Ms. Rides-at-the-Door:

This letter is to follow-up on our recent conversation about the U.S. Environmental Protection Agency's efforts in Region 10 to understand and control dairy waste that is likely impacting Lower Yakima Valley drinking water supplies. The EPA values the working relationship we have with NRCS, and I personally appreciate your collaborative approach to the often-complex issues we have worked on together over these last three years.

As you know, for more than 25 years environmental and public health agencies have been concerned about the elevated levels of nitrates in drinking water wells in the Lower Yakima Valley, and community groups, local media and producers have all acknowledged the importance of addressing this very real threat to people's health. Nonetheless, prior to 2010, federal, state and local agencies had done little to address sources of nitrate pollution or link specific sources of nitrogen to the nitrates found in residents' tap water.

The EPA's work over the last two and a half years in the Lower Yakima Valley has been an effort to better measure and understand the relationship, if any, of specific significant nitrogen sources to specific down gradient wells. We believe this is the appropriate starting point for a broader effort to manage the sources of nitrogen that are affecting people's drinking water.

In September 2012, we released our report, titled "Relation Between Nitrate in Water Wells and Potential Sources in Lower Yakima Valley, Washington." The report included consideration of information we gained through discussions with your staff. This report -- and more recent well drilling and sampling completed in January -- confirmed what experts in the region have long suspected: dairies are a likely source of nitrate to groundwater in the Lower Yakima Valley.

The NRCS provided considerable feedback on the report, and we carefully considered the issues your staff highlighted. We acknowledge that more work needs to be done to understand the various potential sources and how to effectively address them. Similar to other Groundwater Management Areas established in Washington and Oregon over the past 20 years, the Lower Yakima Valley GWMA Committee has lacked specific data to understand what is causing the problem, and to help devise effective on-the-ground solutions. We believe that with the right assistance and support, the Lower

Yakima Valley GWMA Committee is a good forum for advancing much of the appropriate additional work.

Since the release of our report, the EPA has been working with the dairies we focused on in the report to develop an agreement under Section 1431 of the Safe Drinking Water Act to provide clean drinking water to down gradient residents with polluted wells, address the sources of contamination, and install monitoring wells to track progress. Rather than proposing penalties, we seek to eliminate, in a collaborative and legally binding manner, the known pollution from known sources that is affecting specific wells supplying drinking water to area families. These discussions were very productive and this week we finalized - and the dairies signed - just such an agreement.

We are also mindful that third party litigation in the Yakima Valley exists. We strongly believe that an agreed order between the EPA and the involved Yakima Valley dairies that addresses nitrate contamination would go a long way toward convincing the litigants and the court that we are taking action to address the issue.

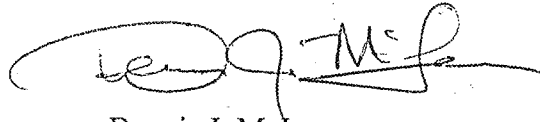
Some have suggested that the EPA's work in the Yakima Valley is part of a national initiative that will set dramatic new standards for agricultural practices. As you and I discussed, that is not the case. The situation in the Lower Yakima Valley is due to a very particular set of facts and circumstances that exist in the area. The State of Washington's dairy program also falls short in establishing manure management requirements sufficient to protect groundwater as a drinking water source. Several other states with vulnerable groundwater supplies already have stricter protective standards in place. In fact, some of the requirements in those states are consistent with actions we discussed with the dairies in Yakima Valley.

As we have discussed before, we believe that those stricter requirements are quite consistent with current NRCS recommended practices, and we have a strong desire to have Yakima Valley dairies take part in receiving NRCS technical and financial assistance to put the most recent NRCS recommended practices in place. We also have a strong interest in working collaboratively with the Washington State Department of Agriculture, the Washington Department of Ecology and the Washington Conservation Commission regarding improvements in the Washington dairy program, which will make it more consistent with programs in other states with vulnerable water supplies. I believe you have seen the letter we wrote to the state's agency directors early last winter on this topic, but if you would like another copy, I would be happy to send it to you.

The EPA also understands that improvements to the state's dairy program alone will not resolve the nitrate contamination problem in the Lower Yakima Valley. Our study also noted that over application of commercial fertilizers to cropland and septic systems are also likely contributing to the problem. My staff is also currently reviewing all the comments we received on our report, including the comments from your staff. As soon as we have organized our responses, I would like to set up an EPA and NRCS staff meeting to go through your comments. At that meeting, we can also discuss how we can work together to address nitrates and groundwater in the Yakima Valley.

My team and I very much look forward to working with you and your staff, and others in the state, on developing positive steps to better controlling dairy waste and thus protecting people's health and the environment. In the meantime, if you have any questions please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis J. McLerran', with a stylized flourish at the end.

Dennis J. McLerran
Regional Administrator

cc: The Honorable Maria Cantwell
United States Senate

The Honorable Patty Murray
United States Senate

The Honorable Doc Hastings
United States House of Representatives

Governor Jay Inslee
State of Washington

Dan Newhouse, Director
Washington State Department of Agriculture

Maia Bellon, Director
Washington State Department of Ecology

Mark Clark, Executive Director
Washington State Conservation Commission

Jay Gordon, Executive Director
Washington Dairy Federation

Steve Rowe, Senior Vice President
Darigold Inc

